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**TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984

s23 application for an award or variation of an award

**Tasmanian Trades and Labor Council**

(T6941 of 1997)

All public and private sector awards

**Automotive, Food, Metals, Engineering,  
Printing & Kindred Industries Union**

(T6928 of 1997)

Automotive Industries Award

(T6929 of 1997)

Draughting & Technical Officers (Private Industry) Award

(T6930 of 1997)

Fish, Aquaculture and Marine Products Award

(T6931 of 1997)

Metal & Engineering Industry Award

(T6932 of 1997)

Optical Industries Award

(T6933 of 1997)

Shipbuilders Award

(T6934 of 1997)

Surveyors (Private Industry) Award

**The Australian Workers' Union, Tasmania Branch**

(T6947 of 1997)

Automotive Industries Award

Bootmakers Award

Building Trades Award

Building and Construction Industry Award

Butter and Cheesemakers Award

Carriers Award

Clay and Mud Products Award

Concrete Products Award

Dairy Processing Award

Farming and Fruitgrowing Award

Fish, Aquaculture and Marine Products Award

Horticulturists Award

Marine Boards Award

Meat Processing Industry Award

Metal and Engineering Industry Award

Monumental Masons Award

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Optical Industries Award  
Pasminco Rosebery (Mining) Award  
Plant Nurseries Award  
Produce Award  
Public Vehicles Award  
Quarrymens Award  
Roadmakers Award  
Rubber Trades Award  
Shearing Industry Award  
Shellfish Industry Award  
Timber Merchants Award  
Wireworking Award  
National Training Wage (Tasmanian Private Sector) Award

**Transport Workers' Union of Australia, Tasmanian Branch**  
(T6956 of 1997)

Transport Workers General Award

**National Union of Workers, Tasmanian Branch**  
(T6971 of 1997)

Automotive Industries Award  
Fuel Merchants Award  
Produce Award  
Retail Trades Award  
Rubber Trades Award  
Softgoods Award  
Wholesale Trades Award  
Fibreglass and Plastics Award  
Timber Merchants Award  
Wholesale Pharmaceutical Award

**Australasian Meat Industry Employees Union,  
Tasmanian Branch**

(T6979 of 1997)

Meat Processing Industry Award  
Meat Retailing Award

**Textile, Clothing and Footwear Union of Australia,  
Tasmanian Branch**

(T6987 of 1997)

Bootmakers Award  
Clothing Industry Award  
Textile Award

**Australian Municipal, Administrative, Clerical and Services Union**

(T6991 of 1997)

Aerated Waters Award  
Barristers and Solicitors Award  
Broadcasting and Television Award  
Clerical and Administrative Employees (Private Sector) Award  
Community Services Award

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Entertainment Award  
Estate Agents Award  
Furnishing Trades Award  
Independent Schools (Non-Teaching Staff) Award  
Insurance Award  
Photographic Industry Award  
Printers Award  
Public Accountants Award  
Restaurant Keepers Award  
Shipping Award  
Totalizator Agency Award

**Health Services Union of Australia, Tasmania No. 1 Branch**

(T6993 of 1997)

Dentists Award  
Disability Service Providers Award  
Medical Practitioners (Private Sector) Award  
Medical Diagnostic Services Award  
Nursing Homes Award  
Hospitals Award

**AERATED WATERS AWARD**

FULL BENCH:  
PRESIDENT F D WESTWOOD  
DEPUTY PRESIDENT B R JOHNSON  
COMMISSIONER R J WATLING

Wage Rates - State Wage Case July 1997 - application to flow on Australian Industrial Relations Commission Safety Net Review decision April 1997 (Print P1997) agreed tripartite position - Wage Fixing Principles varied - \$10.00 per week arbitrated safety net adjustment approved- all private sector awards to be varied on application no earlier than ffpp on or after 14 July 1997 - State Minimum Wage to be subject to separate application

**ORDER -**

**No. 2 of 1997**

AMEND THE **AERATED WATERS AWARD** IN THE FOLLOWING MANNER:

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**1. By deleting Clause 8 - Wage Rates, and inserting in lieu thereof the following:**

**"8. WAGE RATES**

**1. ADULTS**

Adult employees of a classification hereunder mentioned shall be paid the weekly wage rate for that classification.

Horizontal

Column (A) Establishments with flow rates of 7,000 litres per hour or more.

Horizontal

Column (B) Establishments with flow rates of less than 7,000 litres per hour.

**CI Beverage Industry Worker Grade 1**

This is trainee entry point.

Employees at this level will perform routine duties essentially of a manual nature and to their level of training.

1. Perform general labouring and cleaning duties.
2. Exercise minimal judgement.
3. Work under direct supervision; and
4. May be undertaking structured training so as to enable them to work at C2 Level.

|                   | Base Rate | Safety Net Adjustment | Weekly Wage Rate |
|-------------------|-----------|-----------------------|------------------|
|                   | \$        | \$                    | \$               |
| (A) Establishment | 340.70    | 34.00                 | 374.70           |
| (B) Establishment | 333.90    | 34.00                 | 367.90           |

**C2 Beverage Industry Employee Level 2**

An employee at this level will have completed at least three months at level C1 and have satisfactorily completed structured training to enable the employee to perform work within the scope of this level.

Employees will work under direct supervision and will be able to demonstrate competency in allocated functions and/or work stations.

Indicative of the tasks performed at this level are:

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1. Manual palletizing/depalletizing.
2. Feeding on and packing from conveyors.
3. Bucket washing.
4. Drum filling assistant.
5. Truck loading.
6. Cleaning.

Employees may be undertaking structured training to enable them to progress to C3.

|                   | Base Rate<br>\$ | Safety Net<br>Adjustment<br>\$ | Weekly Wage<br>Rate<br>\$ |
|-------------------|-----------------|--------------------------------|---------------------------|
| (A) Establishment | 359.00          | 34.00                          | 393.00                    |
| (B) Establishment | 345.40          | 34.00                          | 379.40                    |

### **C3 Beverage Industry Employee Level 3**

An employee who has satisfactorily completed structured training to enable the employee to perform work within the scope of this level.

An employee at this level performs work above and beyond the skills of an employee at C2 and to the level of their training.

Employees at this level are responsible for the quality of their own work subject to routine supervision.

Employees at this level work under routine supervision either individually or in a team environment.

Indicative of the tasks which an employee at this level may perform are the following:

1. Operation of automatic equipment including package size changeovers.
2. Makes running adjustments.
3. Cleans and lubricates equipment and monitors performance.
4. Checking duties.
5. Truck driving requiring a 'B' licence.
6. Fork lift operation requiring a licence.

Employees may be undertaking structured training to enable progression to C4.

|                   | Base Rate<br>\$ | Safety Net<br>Adjustment<br>\$ | Weekly Wage<br>Rate<br>\$ |
|-------------------|-----------------|--------------------------------|---------------------------|
| (A) Establishment | 370.90          | 34.00                          | 404.90                    |
| (B) Establishment | 357.10          | 34.00                          | 391.10                    |

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**C4 Beverage Industry Employee Level 4**

An employee who has satisfactorily completed training to enable the employee to perform work within the scope of this level.

An employee at this level carries out duties in accordance with C3 but in addition is required to exercise the following:

1. The ability to operate three or more automatic machines and to exercise judgement in carrying out basic maintenance.
2. Fork lift operation involving checking duties in preparation of loads.
3. Line quality control involving the completion of an appropriate training course.

Employees at this level may be undertaking structured training to enable progression to a higher level.

|                   | Base Rate<br>\$ | Safety Net<br>Adjustment<br>\$ | Weekly Wage<br>Rate<br>\$ |
|-------------------|-----------------|--------------------------------|---------------------------|
| (A) Establishment | 384.40          | 34.00                          | 418.40                    |

**C5 Beverage Industry Employee Level 5**

An employee who has satisfactorily completed structured training to enable the employee to perform work within the scope of this level.

An employee at this level:

1. Works from complex instructions and procedures.
2. Is responsible for ensuring the quality of their own work output.
3. Assists in the training of other employees.
4. Works with minimum supervision and supervises others.
5. Is required to exercise judgement and take decisions within procedural limits.

|                   | Base Rate<br>\$ | Safety Net<br>Adjustment<br>\$ | Weekly Wage<br>Rate<br>\$ |
|-------------------|-----------------|--------------------------------|---------------------------|
| (A) Establishment | 394.80          | 34.00                          | 428.80                    |
| (B) Establishment | 366.80          | 34.00                          | 400.80                    |

2. JUNIORS (BEVERAGE INDUSTRY)

The minimum weekly wage rate to be paid to a junior employee (ie employees under 18 years of age) shall be the undermentioned percentage of the weekly wage rate for a Beverage Industry Employee Level 3 at (A) establishments, and for a Beverage Industry Employee Level 2 at (B) establishments.

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|                       | %  | Weekly Wage Rate<br>\$ |
|-----------------------|----|------------------------|
| (A) Establishment     |    |                        |
| At 16 years and under | 70 | 283.40                 |
| At 17 years           | 85 | 344.20                 |
| (B) Establishment     |    |                        |
| At 16 years and under | 70 | 265.60                 |
| At 17 years           | 85 | 322.50                 |

### 3. CLERKS

- (a) Adult clerical employees of a classification hereunder mentioned shall be paid the weekly wage rate opposite that classification.

|  | Base Rate<br>\$ | Safety Net Adjustment<br>\$ | Weekly Wage Rate<br>\$ |
|--|-----------------|-----------------------------|------------------------|
| (i) 1st year adult experience  | 309.80          | 34.00                       | 343.80                 |
| 2nd year adult experience  | 331.40          | 34.00                       | 365.40                 |
| 3rd year adult experience  | 359.80          | 34.00                       | 393.80                 |
| 4th year adult experience  | 370.80          | 34.00                       | 404.80                 |
| 5th year adult experience  | 378.80          | 34.00                       | 412.80                 |
| (ii) Accountant or chief clerk wholly responsible for office work and who prepares balance sheet and profit and loss account | 478.60          | 34.00                       | 512.60                 |
| (iii) A clerk who is in charge of and )<br>responsible for the work of -   |                 |                             |                        |
| (a) 5 or more employees  | 425.50          | 34.00                       | 459.50                 |
| (b) 3 or 4 employees   | 408.70          | 34.00                       | 442.70                 |
| (c) 2 employees  | 400.70          | 34.00                       | 434.70                 |

'Employees' in (iii) above shall mean any male or female clerk, typist or stenographer and shall include the clerk-in-charge.

- (b) Juniors

The minimum weekly wage rate to be paid to a junior employee shall be the undermentioned percentages of the weekly wage rate prescribed for the second year adult rate to the nearest 10 cents.

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|                       | Percentage of 2nd<br>year adult rate<br>% | Weekly Wage Rate<br>\$ |
|-----------------------|---|------------------------|
| Under 16 years of age | 40  | 146.20                 |
| 16 to 17 years of age | 45  | 164.40                 |
| 17 to 18 years of age | 55  | 201.00                 |
| 18 to 19 years of age | 70  | 255.80                 |
| 19 to 20 years of age | 80  | 292.30                 |
| 20 to 21 years of age | 90  | 328.90                 |

(c) Proviso

When determining the rate payable to an employee attaining the age of 21 years, who has been employed as a junior clerk in the trades or groups of trades in respect of which awards of the Tasmanian Industrial Commission are established, experience obtained after reaching the age of 18 years shall be counted as adult experience.

(d) Trainees

The minimum weekly wage rate payable to a trainee clerk (as defined) shall be determined by the following method of calculation:

By taking the appropriate weekly wage rate for a junior clerk as prescribed in subclause 3 - Clerks, (b) - Juniors, of this clause then multiplying it by 39 and dividing it by 52. (39 being the actual number of weeks spent on the job)

**PROVIDED** that the wage determined by this calculation shall in no case be less than the minimum rate (as varied from time to time) prescribed by the Australian Traineeships System Guidelines.

**PROVIDED ALWAYS** that the trainee clerk (as defined) wage rate shall be calculated in multiples of 10 cents with any result of 5 cents or more being taken to the next 10 cents.

(e) Additional Payments

In addition to the weekly wage rates prescribed herein the following additional amounts per week shall be paid to stenographers, audio- typists, teletypists, accounting machine operators, data processing, tabulating machine, card punch and verifier operators.

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|                       | Amount per Week |
|-----------------------|-----------------|
|                       | \$              |
| Under 16 years of age | 1.10            |
| 16 to 17 years of age | 1.30            |
| 17 to 18 years of age | 1.40            |
| 18 to 19 years of age | 1.60            |
| 19 to 20 years of age | 2.20            |
| 20 to 21 years of age | 2.40            |
| 21 years and over     | 3.10            |

(f) Estimating Service

In estimating the number of years of service of an employee the total clerical experience in the service of every employer in the trades or groups of trades in respect of which awards of the Tasmanian Industrial Commission are established shall be taken into account.

4. SUPPORTED WAGE SYSTEM

(a) Eligibility criteria

Subject to this division an employer may engage employees at a supported wage rate (as set out in subclause (c) of this division) who meet the impairment criteria for receipt of a Disability Support Pension and who, because of their disability, are unable to perform the range of duties to the competence level normally required for the class of work for which they are engaged.

**PROVIDED** that this division does not apply to any existing employee who has a claim against the employer which is subject to the provisions of workers' compensation legislation or any provision of this award relating to the rehabilitation of employees who are injured in the course of their current employment.

**PROVIDED FURTHER** that this division does not apply to employers in respect of their facility, programme, undertaking, service or the like which receives funding under the Disability Services Act 1986 and fulfils the dual role of service provider and sheltered employer to people with disabilities who are in receipt of or are eligible for a disability support pension, except with respect to an organisation which has received recognition under s.10 or under s.12A of the above Act, or if a part only has received recognition, that part.

(b) For the purposes of this division:

- (i) **"Supported Wage System"** means the Commonwealth Government System to promote employment for people who cannot work at full award wages because of a disability.
- (ii) **"Accredited Assessor"** means a person accredited by the management unit established by the Commonwealth under the Supported Wage System to

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perform assessments of an individual's productive capacity within the Supported Wage System.

- (iii) **"Disability Support Pension"** means the pension available under the Commonwealth pension scheme to provide income security for persons with a disability as provided under the Social Security Act 1991, as amended from time to time, or any successor to that scheme.
- (iv) **"Assessment instrument"** means the form provided for under the Supported Wage System that records the assessment of the productive capacity of the person to be employed under the Supported Wage System.

(c) Supported wage rates

Employees to whom this division applies shall be paid the applicable percentage of the minimum rate of pay prescribed by this award for the class of work which the person is performing according to the following schedule:

| Assessed capacity<br>(subclause (d)) | % of prescribed<br>award rate |
|--------------------------------------|-------------------------------|
| 10%                                  | 10%                           |
| 20%                                  | 20%                           |
| 30%                                  | 30%                           |
| 40%                                  | 40%                           |
| 50%                                  | 50%                           |
| 60%                                  | 60%                           |
| 70%                                  | 70%                           |
| 80%                                  | 80%                           |
| 90%                                  | 90%                           |

(Provided that the minimum amount payable shall be not less than \$45 per week.)

(d) Assessment of capacity

For the purpose of establishing the percentage of the award rate to be paid to a supported wage employee under this award, the productive capacity of the employee will be assessed in accordance with the Supported Wage System and documented in an assessment instrument by either:

- (i) the employer and a union party to the award, in consultation with the employee or, if desired by any of these;
- (ii) the employer and an accredited Assessor from a panel agreed by the parties to the award and the employee.

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(e) Lodgment of assessment instrument

- (i) All assessment instruments under the conditions of this division, including the appropriate percentage of the award wage to be paid to the employee, shall be lodged by the employer with the Registrar of the Tasmanian Industrial Commission.
- (ii) All assessment instruments shall be agreed and signed by the parties to the assessment, provided that where a union which is party to the award, is not a party to the assessment, it shall be referred by the Registrar of the Tasmanian Industrial Commission to the union by certified mail and shall take effect unless an objection is notified to the Registrar of the Tasmanian Industrial Commission within 10 working days.

(f) Review of assessment

The assessment of the applicable percentage shall be subject to annual review or earlier on the basis of a reasonable request for such a review. The process of review shall be in accordance with the procedures for assessing capacity under the Supported Wage System.

(g) Other terms and conditions of employment

Where an assessment has been made, the applicable percentage shall apply to the wage rate only. Employees covered by the supported wage provisions of this division shall be entitled to the same terms and conditions of employment as all other workers covered by this award who are paid on a pro rata basis.

(h) Workplace adjustment

An employer wishing to employ a person under the provisions of this division shall take reasonable steps to make changes in the workplace to enhance the employee's capacity to do the job. Changes may involve re-design of job duties, working time arrangements and work organisation in consultation with other workers in the area.

(i) Trial Period

- (i) In order for an adequate assessment of the employee's capacity to be made, an employer may employ a person under the provisions of this division for a trial period not exceeding 12 weeks, except that in some cases additional work adjustment time (not exceeding 4 weeks) may be needed.
- (ii) During that trial period the assessment of capacity shall be undertaken and the proposed wage rate for a continuing employment relationship shall be determined in accordance with paragraphs (d) and (e).
- (iii) The minimum amount payable to the employee during the trial period shall be no less than \$45 per week or such greater amount as is agreed from time to time between the parties.

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- (iv) Work trials should include induction or training as appropriate to the job being trialed.
- (v) Where the employer and employee wish to establish a continuing employment relationship following the completion of the trial period, a further contract of employment shall be entered into based on the outcome of assessment under subclause (c) hereof."

**2. By deleting from Clause 9 - Allowances, subclauses (a) and (b) and inserting in lieu thereof the following:**

"(a) Caustic Soda

Employees handling caustic soda shall be paid **42 cents** per hour extra for time so engaged.

(b) First Aid Attendant

An employee appointed by the employer as a First Aid Attendant shall be paid the sum of **\$1.60** per day or shift in addition to the wage rate for the classification so prescribed by this award."

**OPERATIVE DATE**

These variations shall come into operation from the first full pay period to commence on or after 14 July 1997.

P A Imlach  
**COMMISSIONER**

16 July 1997